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12 Attorneys for Defendants

13 INTEGRATED TECH GROUP, LLC and

14 ITG COMMUNICATIONS LLC

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 **SAN FRANCISCO**

19 PAUL MONPLAISIR, on behalf of himself and
20 all others similarly situated,

21 Plaintiff,

v.

22 INTEGRATED TECH GROUP, LLC and ITG
23 COMMUNICATIONS LLC,

24 Defendants.

CASE NO. 3:19-cv-01484-WHA

**DECLARATION OF DAVID M.
MARCHIANO ISO DEFENDANTS'
OPPOSITION TO PLAINTIFF'S
MOTION TO AMEND CASE
MANAGEMENT SCHEDULING
ORDER (ECF NO. 187)**

Judge: Hon. William Alsup

Complaint Filed: March 21, 2019

Trial Date: October 19, 2020

1 I, David M. Marchiano, declare the following:

2 1. I am an attorney at law licensed to practice law in the State of California and am
3 admitted to practice before this Court. I am an attorney at Brown, Gee & Wenger, and, together
4 with Kevin Allen of Allen Attorney Group, represent Defendants Integrated Tech Group, LLC
5 and ITG Communications LLC (together, "ITG").

6 2. I submit this declaration in support of ITG's opposition to Plaintiff's motion to
7 amend the case management scheduling order. I have personal knowledge of the facts discussed
8 herein, unless otherwise stated.

9 3. Plaintiff conducted no formal discovery between December 10, 2019 and May 6,
10 2020. On May 6, 2020, Plaintiff served the following 10 sets of discovery:

- 11 1. Special Interrogatories (Set Three) to ITG Communications LLC;
- 12 2. Special Interrogatories (Set Three) to Integrated Tech Group, LLC;
- 13 3. Requests for Production of Documents (Set Four) to ITG Communications
14 LLC;
- 15 4. Requests for Production of Documents (Set Four) to Integrated Tech Group,
16 LLC;
- 17 5. FLSA Opt In Plaintiffs' Consolidated Special Interrogatories (Set One) to ITG
18 Communications LLC);
- 19 6. FLSA Opt In Plaintiffs' Consolidated Special Interrogatories (Set One) to
20 Integrated Tech Group;
- 21 7. FLSA Opt In Plaintiffs' Consolidated Requests for Production of Documents
22 (Set One) to ITG Communications LLC;
- 23 8. FLSA Opt In Plaintiffs' Consolidated Requests for Production of Documents
24 (Set One) to Integrated Tech Group, LLC;
- 25 9. FLSA Opt In Plaintiffs' Consolidated Requests for Admission (Set One) to ITG
26 Communications LLC; and
- 27 10. FLSA Opt In Plaintiffs' Consolidated Requests for Production of Documents

1 (Set One) to Integrated Tech Group, LLC.

2 4. I am aware of no open issues with respect to the formal written discovery served
3 by Plaintiff in June, August, and November 2019.

4 5. On April 27, ITG offered Jerry Taylor for a remote deposition on May 4. The
5 parties have stipulated twice to extend the deadline for Plaintiff to take Jerry Taylor's deposition
6 –the deadline is currently May 18. Plaintiff's counsel said on May 8 that she intends to take Mr.
7 Taylor's deposition on May 18.

8 6. According to Plaintiff's Certificate of Service, on August 9, 2019, Plaintiff served
9 on Defendants Integrated Tech Group, LLC and ITG Communications LLC class-wide and
10 FLSA discovery, including over 100 document requests total, many of which were overly broad.
11 Plaintiff sought, *inter alia*, four years' worth of timecards and wage statements for more than
12 1,600 technicians, and all emails between all employees (not limited by custodian) from 2015 to
13 present pertaining to over one hundred search terms spanning nearly four pages. ITG objected to
14 several requests, including the requests for pay records and emails, on the ground that the
15 requests were overbroad and unduly burdensome. Plaintiff submitted a letter brief to the Court
16 seeking to compel production, ITG opposed, and the Court held a hearing on November 18,
17 2019. I have attached a true and correct certified copy of the hearing transcript as Exhibit A.

18 7. ITG has produced 8,835 pages of data/documents in response to Plaintiff's FRCP
19 34 demands, including ITG's handbooks, timekeeping policies, training materials, time records
20 (including meal break data and clock-in/clock-out data for all plaintiffs), GPS data, information
21 on how hourly rates are calculated, disputes and complaints about recorded time, and signed
22 arbitration agreements. ITG submitted all signed arbitration agreements for all putative
23 California class members in a filing on March 19, 2020. ITG also provided Plaintiff with five
24 PMK depositions in November-December 2019, four of which lasted almost the entire day.
25 ITG's FRCP 30(b)(6) witnesses were ITG's Chief Financial Officer, Elizabeth Smith; ITG's
26 Client Service Manager, Katie Tisdale; ITG's Human Resources Director, Gissel Rivera; and
27 ITG's Vice President, Jerry Taylor (two depositions: one on November 6, 2019 and one on

1 December 10, 2019). Plaintiff also took the deposition of Gissel Rivera in her individual capacity
2 on the same date she was deposed as a PMK.

3 8. Plaintiff recently asked ITG informally for additional information and
4 clarification of prior data produced in connection with settlement discussions.

5 I declare under penalty of perjury under the laws of the state of California and the United
6 States of America that the foregoing information is true and correct.

7 Executed on May 12, 2020 in Martinez, California.

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9 /s/ David M. Marchiano
10 DAVID M. MARCHIANO
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